IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 825 OF 2006

The State of Maharashtra ....Applicant

Versus

Yashwant R. Pelmahale and ors. ...Respondents

Smt. P.H. Kantharia , Additional Public Prosecutor, for the applicant-State.

CORAM: **V.G. PALSHIKAR, Ag. C.J., &**
SMT. NISHITA MHATRE, J.

DATE: **AUGUST 16, 2006**.

P.C.

By this application, leave is sought to appeal against the judgment passed in Criminal Case No. 60 of 2002 by the Judicial Magistrate, First Class, Dindori, Dist. Nashik. The accused persons were prosecuted for assault and other connected offences as there was fight between the complainant group and the accused group over laying of pipeline and its repairs. Taking into consideration the nature of dispute and the manner in which it occurred, it cannot be said that it was a calculated crime. The dispute arose and instantaneously resulted in assault. In our opinion, therefore, no fruitful purpose will be

served by granting leave to appeal against this judgment, as there is no error of law committed by the learned Judge while acquitting some of the accused and in the matter of award of punishment also. Hence, application is rejected.